

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, April 2, 2014**  
**9:30 a.m.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: March 21, 2014**

**RE: Closed Session of the Board to be held on April 2, 2014**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), (e) and (f) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session. Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.

---

**DECISIONS OF ADMINISTRATIVE LAW JUDGES:**

*(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)*

1. DAVEY TREE SURGERY COMPANY, 13-R3D2-2996
2. FRANK M BOOTH, INC., 12-R2D3-0601

**PETITIONS FOR RECONSIDERATION:**

1. JAMES BALDWIN DBA LYON'S MUFFLER & BRAKE, 14-R6D5-9019
2. ROCKET FARMS HERBS, INC., 13-R3D2-3549 THROUGH 3551
3. WEST VALLEY CONSTRUCTION, INC., 12-R2D5-3526

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For APRIL 2, 2014**  
**Page 2**

**ORDER DISMISSING APPEAL:**

1. AAA PALLET, INC., 13-R3D2-2085 AND 2086

**AMENDED ORDER DISMISSING APPEAL:**

1. KEVIN SEMIAN, 13-R1D1-1499

**ORDER GRANTING LEAVE TO FILE APPEAL:**

1. PAULINO LOPEZ DBA PAULINO LOPEZ, 14-R6D5-0889 THROUGH 0891

**MATTERS HELD OVER FROM PREVIOUS MEETINGS:**

*(If the Board is unable to conclude its deliberations and/or if any matter(s) is (are) put over from a previous meeting, they will be further discussed.)*

1. BARNARD IMPREGILO HEALY JV., 14-R5D1-9013

**MATTERS PENDING RECONSIDERATION:**

*(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters or amends the Order or Decision being reconsidered.)*

1. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
2. BELLINGHAM MARINE INDUSTRIES, 2012-R2D2-3144 THROUGH 3146
3. BRAD STONER PAINTING, INC., 13-R3D2-9200
4. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
5. CABRILLO ECONOMIC DEVELOPMENT CORP., 11-R4D3-3185 & 3186
6. CHEVRON PRODUCTS COMPANY, 13-R6D4-3506 AND 3507
7. CHEVRON PRODUCTS CO., 13-R6D4-0905
8. CHEVRON PRODUCTS COMPANY, R6D4-2715 AND 2716
9. CHEVRON PRODUCTS COMPANY, 13-R6D4-1353 THROUGH 1355
10. CHEVRON U.S.A., 13-R6D4-1536
11. CHEVRON USA, 13-R6D4-2566

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For APRIL 2, 2014**  
**Page 3**

12. CHEVRON U.S.A., INC, 13-R6D4-1537 THROUGH 1544
13. CLARK PACIFIC PRECAST, LLC, ET AL, 09-R2D1-0282
14. COFFMAN SPECIALTIES, INC., 10-R3D3-3532
15. COMMERCIAL METAL FORMING, 09-R3D1-1592
16. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
17. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
18. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
19. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
20. DISH NETWORK CAL. SVC. CORP., 12-R4D3-0455
21. FERMA CORPORATION, 12-R2D2-1669
22. GMAC ELECTRIC, INC., 13-R6D5-9138
23. HARRIS CONSTRUCTION, 03-R2D5-3914
24. HHS CONSTRUCTION, 12-R3D2-0492-0497
25. IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272
26. KELLY GLOBAL LOGISTICS, INC., 12-R3D5-0014
27. K H S & S OF CONCORD, INC., 11-R2D2-0374 and 0375
28. LABOR READY, 13-R3D2-0164
29. LA VALENCIA HOTEL, 2013-R3D2-9199
30. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
31. M1 CONSTRUCTION, INC., 12-R4D1-0222 AND 0223
32. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR,  
08-R2D1-3093 THROUGH 3098
33. MARCO RUFO DBA MARCO RUFO, 13-R6D5-9217

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For APRIL 2, 2014**  
**Page 4**

34. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
35. MCCARTHY BUILDING CO., INC., 12-R1D4-3458
36. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
37. MORROW MEADOWS CORP., 09-R3D3-2295
38. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
39. NEWSTAR FRESH FOODS, LLC., 12-R6D3-3183 THROUGH 3186
40. O.C. JONES AND SONS, INC. 13-R2D2-0310
41. ONESTOP INTERNET, INC., 11-R4D2-2636 AND 2637
42. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
43. JIM PARKER, 2014-R4D1-9009
44. PERSONNEL PLUS, INC., 11-R3D5-1302
45. ROEBBELEN CONTRACTING, INC., 12-R2D2-3248
46. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
47. SIERRA FOREST PRODUCTS, 09-R2D5-3979
48. SONIC DRIVE-IN, 12-R2D5-2734
49. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
50. STARBUCKS DBA STARBUCK'S COFFEE #5867, 12-R3D2-3675  
THROUGH 3678
51. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
52. TL PALVICH CONSTRUCTION, INC., 11-R3D6-1303 THROUGH 1310
53. TRADEMARK CONSTRUCTION CO., INC., 12-R4D1-0096 AND 0097
54. TREASURE ISLAND MEDIA, INC., 2010-R6D1-1093 THROUGH 1095
55. VICTORY SCREEN PRINTING 12-R3D1-3673 & 3674

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For APRIL 2, 2014**  
**Page 5**

**LEGISLATION:**

**PENDING LITIGATION:**

*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

**SUPERIOR COURT:**

1. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
2. SMUD, 34-2010-80000723 (08-R2D1-4887)
3. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-8000820 (03-R1D1-5170)
4. MASCON, INC., 34-2011-80000819 (08-R2D1-4278 AND 4279)
5. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965 (10-0188~0191)
6. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459 THROUGH 2461)
7. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
8. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
9. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
10. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
11. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
12. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
13. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
14. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
15. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For APRIL 2, 2014**  
**Page 6**

16. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
17. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
18. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
19. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
20. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
21. A. TEICHERT & SON, DBA TEICHERT AGGREGATES, RG12 659881 (10-R5D1-3029)
22. HOME DEPOT USA, INC., BS141301 (10-3284)
23. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
24. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00628178 (10-3667)
25. THYSSENKRUPP ELEVATOR CORP., 34-2013-80001456 (11-2217 ~ 2219)
26. BIG LOTS STORES, INC., 37-2013-00045936 (11-R3D2-1929 ~ 1931)
27. GUARDSMARK, LLC, 30-2013-00651094 (12-R3D1-0056)
28. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00652023 (12-0439)
29. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00651875 (12-0440)
30. AC TRANSIT, RG13687314 (08-R1D4-0135)
31. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575 (12-R5D1-337)
32. BAY AREA RAPID TRANSIT DISTRICT, RG13689346 (09-R2D2-1219 & 1221)
33. CA PRISON INDUSTRY AUTHORITY, 13 C 0327 (08-R2D5-3426 ~ 3429)
34. HILL CRANE SERVICE, INC., 34-2014-80001730 (12-R4D1-2475)
35. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 34-2014-80001749 (2008-R2D1-3414 THROUGH 3418)

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For APRIL 2, 2014**  
**Page 7**

36. SHIMMICK-OBAYASHI, 34-2014-80001750 (2008-R3D3-5023 THROUGH 5025)
37. TAD VAN NGUYEN, CPF-14-513482 (13-R1D1-9163)
38. BAY AREA RAPID TRANSIT DISTRICT, RG14715710 (10-R1D1-3056 THROUGH 3058) (DOSH)
39. LAND O'LAKES PURINA FEED, LLC, RG14715717 (08-R2D4-1843 AND 1844) (DOSH)
40. BAY AREA RAPID TRANSIT DISTRICT, RG14715720 (10-R1D1-3056 THROUGH 3058) (3<sup>rd</sup> Party)
41. SOLIS FARM LABOR CONTRACTOR, 34-2014-80001749, (08-R2D1-3414 THROUGH 3418)

**APPELLATE COURT:**

1. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP, C075477, 34- 2011-80000640 (08-R2D1-0027 THROUGH 0030)
2. XL CONSTRUCTION, C074514, 34-2009-80000300 (08-R1D2-1191 THROUGH 1193)
3. SHERWOOD MECHANICAL, INC., D065322, 37-2012-00101466 (08-R3D2-4690 ~ 4693)

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

1. 101 VERTICAL FABRICATION INC., 13-R6D2-1778 THROUGH 1780
2. ADVANCED ROOFING SERVICES INC., 13-R1D4-3249
3. AFFORDABLE HARBOR VIEW WINDOW CLEANING, INC., 13-R3D1-1932
4. AMAZON'S LANDSCAPING, 13-R2D2-2111
5. AMERICAN PROMOTIONAL EVENT, INC. DBA TNT FIREWORKS, 14-R3D3-0343 THROUGH 0346
6. AMERICAN TILE & BRICK VENEER INC., 13-R4D1-3552 AND 3553

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For APRIL 2, 2014**  
**Page 8**

7. AMESBURY GROUP DBA BANDLOCK CORP., 13-R4D4-0417 THROUGH 0419
8. AMESBURY GROUP DBA BANDLOCK CORP., 13-R4D4-0517
9. ASEPTIC SOLUTIONS USA, 13-R3D3-0838
10. ATRIUM CORPORATION DBA SUPERIOR WINDOWS & DOORS,  
13-R4D4-1447
11. BETTER CONSTRUCTION & DESIGN, INC., 13-R3D5-2794 AND 2795
12. CHRIS CADELLA, 13-R2D5-3083 AND 3084
13. CENTRAL ROOFING COMPANY, 14-R2D2-0682 AND 0683
14. CHINA PACIFIC CO., INC., 13-R6D2-2202
15. COMPU-AIRE INC., 13-R6D2-3794 THROUGH 3800
16. COUNTRY HILLS HEALTH CARE CENTER, 13-R6D2-3846
17. DAVEY TREE SURGERY, 13-R3D3-1313 AND 1314
18. D & D CONSTRUCTION SPECIALITIES, 12-R4D1-3501 THROUGH 3503
19. DRILL TECH DRILLING & SHORING, INC., 13-R5D2-2200 AND 2201
20. ECON, INC., 13-R6D5-2091 AND 2092
21. EXCLUSIVELY DOORS, INC., 13-R1D1-0538
22. EXPRESS SERVICES, INC. DBA EXPRESS EMPLOYMENT PROFESSIONALS,  
13-R2D1-3842 AND 3843
23. FASHION 26 FOR ALL, 13-R4D1-1758
24. FIRST LIGHT PROPERTY MANAGEMENT, INC., 13-R3D5-3256
25. GABRIEL CONTAINER, CO., 13-R4D4-2869THROUGH 2873
26. GARY MADDOX CONSTRUCTION, INC., 13-R6D5-2009 AND 2010
27. GBC CONCRETE & MASONRY, 13-R4D1-0020 AND 0021
28. GENERAL VENEER MANUFACTURING COMPANY, 13-R3D5-1652 AND 1653



**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For APRIL 2, 2014**  
**Page 9**

29. GERAWAN FARMING, 13-R2D5-3278
30. G & P MANAGEMENT, INC., 13-R2D5-3449 THROUGH 3452
31. GUADALUPE RAMIREZ DBA CALI FRAMES & UPHOLSTERY, 14-R6D5-0284 THROUGH 0287 AND 14-R6D5-0800 AND 0801
32. HARRIS & BRUNO MACHINE CO INC DBA HARRIS & BRUNO INTERNATIONAL, 13-R2D1-2075 AND 2076
33. SOCHY HILEL DBA SOSHY HILEL, 13-R6D5-1973 AND 1974
34. HONEYVILLE GRAIN, INC., 13-R4D4-1602 AND 1603
35. HYDRIL COMPANY DBA TENARIS COMPANY, 13-R4D7-0361 AND 0362
36. JUANITA'S FOOD, 13-R3D5-1052 AND 1053
37. LA ROCQUE BETTER ROOFS, INC., 13-R3D1-1990
38. LAUSD VERMONT ELEMENTARY, 13-R4D1-3324
39. CARLOS LOPEZ, 13-R3D3-0693 THROUGH 0695
40. MIRAMONTES CONST CO., INC., 13-R4D4-0223 THROUGH 0225
41. MITCHELL ENVIRONMENTAL CONCRETE, INC., 13-R4D1-0843 THROUGH 0847
42. NATIONAL DIVERSIFIED SALES, 13-R2D5-2933
43. NAVA ENTERPRISES, INC., 14-R6D2-0005 THROUGH 0008
44. NEWBURY PARK TREE SERVICE, INC., 13-R4D3-2775
45. NISSIN INTERNATIONAL TRANSPORT USA, INC., 13-R6D2-2999 THROUGH 3001
46. O M CONTRACTING, INC, 13-R3D3-1838
47. OWENS-BROCKWAY GLASS CONTAINER INC, 13-R2D2-3677
48. PACIFIC HYDROTECH, 13-R3D2-1991 AND 1992
49. PACIFIC-WEST BUILDERS, INC., DBA IDAHO PACIFIC WEST, 12-R4D6-3280

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**For APRIL 2, 2014**  
**Page 10**

- 50. PETERSEN-DEAN INC., 14-R1D2-0098
- 51. PRECISION CONSTRUCTION & DESIGN INC., 13-R6D7-2515 AND 2516
- 52. PRIME WHEEL CORPORATION, 13-R3D5-3340 AND 3341
- 53. PSR WEST COAST BUILDERS, INC., 13-R1D4-3360
- 54. RIVERSIDE COUNTY REG MED CNTR CORONA FAMILY CARE CENTER,  
13-R3D3-2262
- 55. SFDPH TOM WADDELL HEALTH CENTER, 14-R1D1-0341
- 56. SMART & FINAL STORES, LLC., 13-R4D4-1463 THROUGH 1466
- 57. SOMOCO LABOR SUPPLY INC., 14-R1D2-0018
- 58. SULLY MILLER CONTRACTING COMPANY, 13-R3D5-1840
- 59. TMSO INC., DBA USA GASOLINE, 13-R3D3-1710
- 60. T & R LUMBER CO., INC., 13-R6D2-1676 AND 1677
- 61. VELORIA DL CONTRACTING, INC., 13-R4D7-2947
- 62. VELORIA FARM LABOR CONTRACTOR, 13-R4D7-0770
- 63. WASTE MANAGEMENT OF SOUTHERN CALIFORNIA DBA WASTE  
MANAGEMENT, 12-R4D3-3584 THROUGH 3586

**PERSONNEL:** *(Issues regarding staff.)*

Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.